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| 09/896,576 | 06/29/2001 | Jean-Marc Villaret | 10013448-1 | 7792 |

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/896,576 | Applicant(s) VILLARET ET AL. | |
| | Examiner Clement B. Graham | Art Unit 3628 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

1. Claims 7 and 11 has been cancelled and claims 1-6, 8-10, and 12-17, remained pending.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsiounis et al (Hereinafter Tsiounis U.S Pub: 20010039535) in view of Moreau et al (Hereinafter Moreau U.S Patent 2002/0069166).

As per claim 1, Tsiounis discloses a payment processing system comprising: a plurality of data communications devices adapted to transmit a plurality of payment requests in connection with purchases, each data communications devices configured to transmit the payment requests via a communication channels of one of a plurality of protocol types, wherein each protocol type is different from others of the plurality of protocol types and each payment request includes a merchant identification code and a set of customer financial account data.(see note abstract and see paragraph 0007, 0008, 0023-0069).

Tsiounis fail to explicitly teach a payment server arrangement including a database configured with a plurality of merchant identification codes, each merchant identification code associated with a financial institution identification code in the database the payment server arrangement further including a plurality of adapter modules coupled to the database, each adapter module executable on the server arrangement, compatible with one of the plurality of protocol types, and coupled to a respective one of the communications channels, each adapter module adapted to receive the payment requests from the data communications devices at the respective channels each of the adapter modules having a payment processing application configured to identify from the database a financial institution identification code associated with the merchant identification code from a payment request and interface with a data processing system of a the-financial institution identified by the financial institution identification code

consistent with a communications protocol associated with the identified financial institution, and provide the merchant identification code and set of customer financial account data to the identified financial institution for payment to a merchant identified by the merchant identification code.

However Moreau discloses merchants agree or otherwise elect to participate in the network, the facilitator preferably issues a unique merchant identification number or code (Merchant ID) to each participating merchant. The facilitator may also compile a second electronic database (or further adds to the database with collection agent information) with the information regarding these participating merchants. Such information may include the merchant's name address, phone number, URL address, email, and preferably, a deposit or withdrawal account routing number for purposes discussed below. The database may also include classification as to the type of merchant, the type of online shopping cart that the merchant uses, and the status of the merchant, i.e. whether the merchant is an active/inactive or a valid/revoked member of the network. In general, the database may contain any other information regarding merchants for use in facilitating transactions over network or other purposes, e.g., marketing information of the participants in network, the facilitator may charge the merchants or collection agents a fee for the right to participate in the network. Such fee may be a flat monthly fee, a percentage of sales for a particular transaction, or other types of arrangement. However, it is believed that such a fee would be justified in light of the increased exposure to possible sales for both merchants or collection agents. Such a fee might be obtained through use of the withdrawal account information of each merchant and collection agent. (Note abstract and see paragraph 0025, 0049, 0072, 0078, 0080, 0089, 0093, 0096-97, 0099, 0102-6).

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Tsionis to include payment server arrangement including a database configured with a plurality of merchant identification codes, each merchant identification code associated with a financial institution identification code in the database the payment server arrangement further including a plurality of adapter modules coupled to the database, each adapter module executable

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on the server arrangement, compatible with one of the plurality of protocol types, and coupled to a respective one of the communications channels, each adapter module adapted to receive the payment requests from the data communications devices at the respective channels each of the adapter modules having a payment processing application configured to identify from the database a financial institution identification code associated with the merchant identification code from a payment request and interface with a data processing system of a the-financial institution identified by the financial institution identification code consistent with a communications protocol associated with the identified financial institution, and provide the merchant identification code and set of customer financial account data to the identified financial institution for payment to a merchant identified by the merchant identification code taught by Moreau in order to facilitate the buying and selling of products and services.

As per claim 2, Tsiounis discloses the payment processing system of claim 1, wherein at least one of the adapter modules is configured to communicate data with a mobile communications device consistent with an SSUSET communications protocol thereby ensuring a high level of security in communicating the customer financial account data. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 3, Tsiounis discloses further comprising a customer financial server responsive to the mobile communications device and communicatively coupled to the payment server, the customer-controlled server configured to transmit the set of customer financial account data at the high level of security sought by the financial institution.(see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 4, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with an POS terminal consistent with a POS communications protocol thereby ensuring a high level of securing in communicating the customer financial account data. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 5, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with a set top box arrangement consistent with a cable network communications protocol thereby ensuring a high level of securing in

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communicating the customer financial account data.(see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 6, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with a set top box arrangement consistent with a satellite network communications protocol thereby ensuring a high level of securing in communicating the customer financial account data. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 8, Tsiounis discloses further comprising a merchant transactions database that includes historical information of payments processed by the payment server arrangement, wherein the historical information is configurable for demographic research.(see note abstract and see paragraph 0007, 0008, 0023-0069).

A per claim 9, Tsiounis discloses wherein the at least one of the adapter modules configured to communicate with a mobile communications device is also configured to communicate data with a vending machine and a kiosk, thereby reducing the number of adapter modules dedicated to the data communications devices. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 10, Tsiounis discloses a payment request processing arrangement configured and arranged for communication with a plurality of data communication devices via and communication with a plurality of data processing systems located at a plurality of financial institutions, each data communication device configured to transmit a payment request via a communication channel of one of a plurality of protocol types. wherein each protocol type is different from others of the plurality of protocol types, the arrangement comprising:

a payment server configured and arranged to be responsive to the plurality of data communications devices and including a database configured with a plurality of merchant identification codes each merchant identification code associated with a financial institution identification code in the database, the payment server further including a plurality of adapter modules coupled to the database, each adapter module executable on the server, compatible with one of the plurality of protocol types, and

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coupled to a respective one of the communications channels.(see note abstract and see paragraph 0007, 0008, 0023-0069).

Tsiounis fail to explicitly teach wherein each payment request includes a merchant identification code and a set of customer financial account data, teach adapter module having a payment processing application configured to identify from the database a financial institution identification code associated with the merchant identification code from a payment request and interface with a data processing system of a financial institution identified by the financial institution identification code consistent with a communications protocol associated with the identified financial institution, and provide the merchant identification code and set of customer financial account data to the identified financial institution for payment to a merchant identified by the merchant identification code.

However Moreau discloses merchants agree or otherwise elect to participate in the network, the facilitator preferably issues a unique merchant identification number or code (Merchant ID) to each participating merchant. The facilitator may also compile a second electronic database (or further adds to the database with collection agent information) with the information regarding these participating merchants. Such information may include the merchant's name address, phone number, URL address, email, and preferably, a deposit or withdrawal account routing number for purposes discussed below. The database may also include classification as to the type of merchant, the type of online shopping cart that the merchant uses, and the status of the merchant, i.e. whether the merchant is an active/inactive or a valid/revoked member of the network. In general, the database may contain any other information regarding merchants for use in facilitating transactions over network or other purposes, e.g., marketing information of the participants in network, the facilitator may charge the merchants or collection agents a fee for the right to participate in the network. Such fee may be a flat monthly fee, a percentage of sales for a particular transaction, or other types of arrangement. However, it is believed that such a fee would be justified in light of the increased exposure to possible sales for both merchants or collection agents. Such a fee might be obtained through use of the withdrawal account information of each

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merchant and collection agent. (Note abstract and see paragraph 0025, 0049, 0072, 0078, 0080, 0089, 0093, 0096-97, 0099, 0102-6).

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Tsiounis to include payment server arrangement including a database configured with a plurality of merchant identification codes, each merchant identification code associated with a financial institution identification code in the database the payment server arrangement further including a plurality of adapter modules coupled to the database, each adapter module executable on the server arrangement, compatible with one of the plurality of protocol types, and coupled to a respective one of the communications channels, each adapter module adapted to receive the payment requests from the data communications devices at the respective channels each of the adapter modules having a payment processing application configured to identify from the database a financial institution identification code associated with the merchant identification code from a payment request and interface with a data processing system of a the-financial institution identified by the financial institution identification code consistent with a communications protocol associated with the identified financial institution, and provide the merchant identification code and set of customer financial account data to the identified financial institution for payment to a merchant identified by the merchant identification code taught by Moreau in order to facilitate the buying and selling of products and services.

As per claim 12, Tsiounis discloses further comprising a merchant transactions database that includes historical information of payments processed by the payment server arrangement, wherein the historical information is configurable for demographic research. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 13, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with a set top box arrangement consistent with a cable network communications protocol thereby ensuring a high level of securing in communicating the customer financial account data.(see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 14, Tsiounis discloses a system for processing payment requests from a plurality of data communications devices, each payment request including a merchant identification code and a set of customer financial data, the system comprising:

a plurality of adapter modules, each adapter module configured to interface with one or more of the communications devices via a selected one of a plurality of communications channels, wherein each communications channel is one of a plurality of protocol types, and each protocol type is different from others of the plurality of protocol types.(see note abstract and see paragraph 0007, 0008, 0023-0069).

means for receiving payment requests from the data communications devices at the adapter modules via the communications channels;

a database configured with a plurality of merchant identification codes, each merchant identification code associated with a financial institution identification code in the database.(see note abstract and see paragraph 0007, 0008, 0023-0069).

means for identifying from the database for each payment request, the financial institutions code associated with the merchant identification codes from the payment request, each financial institutions code identifying a financial institution having an associated data processing system for processing payment requests; and means for interfacing with the data processing systems of the financial institutions consistent with payment protocols associated with the financial institutions to provide the merchant identification codes and sets of customer financial account data to the identified financial institutions for payment to merchants identified by the merchant identification codes of payment requests. .(see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 15, Tsiounis discloses a computer-implemented method for processing payment requests from a plurality of data communications devices, each payment request including a merchant identification code and a set of customer financial data, the method comprising:

providing a plurality of adapter modules, each adapter module configured to interface with one or more of the communications devices via a selected one of a plurality of

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communications channels, wherein each communications channel is one of a plurality of protocol types, and each protocol type is different from others of the plurality of protocol types.(see note abstract and see paragraph 0007, 0008, 0023-0069).

configuring a database with a plurality of merchant identification codes and financial institution identification codes wherein each merchant identification code is associated with a financial institution identification code in the database receiving payment requests from the data communications devices at the adapter modules via the communications channels.(see note abstract and see paragraph 0007, 0008, 0023-0069).

identifying, using the database for each payment request, the financial institutions code associated with the merchant identification codes, each financial institution identified by a financial institution code having an associated data processing system for processing payment requests.(see note abstract and see paragraph 0007, 0008, 0023-0069).

And interfacing, for each payment request, with the data processing systems of the identified financial institutions consistent with a payment protocols associated with the identified financial institutions, and providing the merchant identification code and set of customer financial account data to the identified financial institution for payment to a merchant identified by the merchant identification code. .(see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 16, Tsiounis discloses after the interfacing step, further comprising:

processing payment at the identified financial institutions; and

storing the processed payment as data in a merchant transactions database. (see note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 17, Tsiounis discloses wherein the step of identifying the financial institutions includes providing a merchant/bank identification database that includes historical information of processed payments, wherein the historical information is configurable for demographic research. (see note abstract and see paragraph 0007, 0008, 0023-0069).

Conclusion

Response to Arguments

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3. Applicant's argument filed 11/14/05 has been fully considered but they are moot in view of new grounds of rejections.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

January 22, 2006

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